

COUNTY OF YORK

MEMORANDUM

DATE: May 30, 2003 (BOS Mtg. 6/17/2003)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Proposed amendments to Chapter 4—Animals and Fowl

Ordinance No. 03-19 amends a number of sections in County code Chapter 4, Animals and Fowl, reflecting not only changes required by amendments to the applicable state statutes, but several requests from the Treasurer with respect to the sale of dog tags. Also, because of some statutory changes in definitions, I have taken the liberty of proposing a slight reorganization of Chapter 4 to include a new section 4-2, Definitions, whereas previously definitions were scattered throughout the chapter. Among the changes in Chapter 4 are the following:

- (a) Animal wardens are now officially known by statute as animal control officers, and that change has been made in numerous places throughout the chapter.
- (b) Animal control officers are now required not only to take a basic animal control course approved by the Virginia Department of Criminal Justice Services and the State Veterinarian, but training and recognizing suspected child abuse and neglect. That modification is set out in § 4-3 (e).
- (c) The definition of cruelty to animals in § 4-5 is expanded to include language with respect to certain actions taken with respect to horses.
- (d) I have combined the two sections regarding the burial or cremation of dead animals into a single section (new § 4-7) although the substance of the County code remains essentially the same.
- (e) The most comprehensive changes in the animal control ordinances are in Article III with respect to dangerous and vicious dogs. The Code of Virginia within recent years was substantially changed with respect to the definition of a dangerous dog (previously known as a "destructive dog") and the procedure by which an animal control officer can bring the owner of a dangerous or vicious dog before the court. The changes in Article III reflect the statutory changes.

- (f) Several changes to the animal control ordinances have been requested by the County Treasurer. Note that § 4-51 allows a dog license to be issued not only upon the presentation of a certificate of vaccination, but of any other evidence satisfactory to the Treasurer that the dog has been inoculated. Apparently, dog owners commonly forget to bring the actual certificate with them when they apply for their license, but may have receipts for veterinary bills which make it plain that the dog has been properly inoculated. Section 4-57 is amended at the Treasurer's request to allow deposit of dog license taxes into the County's general fund, which actually reflects the County's current practice. Lastly, § 4-58 is amended to allow the Treasurer to retain unsold dog tags until such time as the County's auditors have completed their task. Again, this change reflects the County's actual practice as the auditors require a comparison of the actual tags with the Treasurer's receipts.

I recommend the adoption of Ordinance No. 03-19.

Barnett/3340:swb

Attachment

- Ordinance No. 03-19